

Page 1

Attorney's Docket No. MASIMO.285A

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled LOW POWER PULSE OXIMETER; the specification of which was filed on June 26, 2002 as Application Serial No. 10/184,028.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/302,564

Filing Date: July 2, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **Ammar Al-Ali**

Inventor's signature 

Date 9/26/2002

Residence: **10880 Phillips Street, Tustin, CA 92782**

Citizenship: **United States of America**

Post Office Address: **same as above**

Send Correspondence To:  
**KNOBBE, MARTENS, OLSON & BEAR, LLP**  
**Customer No. 20,995**



*MASIMO 0285A 54*  
*SET JMG*

UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

JANUARY 03, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

KNOBBE, MARTENS ET AL  
JOHN M. GROVER  
FOURTEENTH FLOOR  
2040 MAIN ST.  
IRVINE, CA 92614



\*102236750A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/27/2002

REEL/FRAME: 013327/0095  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

AL-ALI, AMMAR

DOC DATE: 09/26/2002

ASSIGNEE:

MASIMO CORPORATION  
2852 KELVIN AVENUE  
IRVINE, CALIFORNIA 92614

SERIAL NUMBER: 10184028  
PATENT NUMBER:

FILING DATE: 06/26/2002  
ISSUE DATE:

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Client Code: MASIMO.285A

09-30-2002



IEET

9/30/02

TO THE ASSISTANT COMMISSIONER FOR PATENT AND TRADEMARKS original documents or copy thereof.

1. Name of conveying party(ies): (If multiple assignors, list numerically)

Ammar Al-Ali

Additional name(s) of conveying party(ies) attached?  
( ) Yes (X) No

2. Name and address of receiving party(ies):

Name: Masimo Corporation

Internal Address:

Street Address: 2852 Kelvin Avenue

City: Irvine State: CA ZIP: 92614

Additional name(s) of receiving party(ies) attached?  
( ) Yes (X) No

3. Nature of conveyance:

- (X) Assignment  
( ) Merger  
( ) Security Agreement  
( ) Change of Name  
( ) Other:

Execution Date: (If multiple assignors, list execution dates in numerical order corresponding to numbers indicated in 1 above) September 26, 2002

4. Application number(s) or Patent number(s):

( ) Application(s) filed herewith Execution Date(s):

(X) Patent Application No.: 10/184,028  
Filing Date: June 26, 2002

( ) Patent No.:  
Issue Date:

Additional numbers attached? ( ) Yes (X) No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John M. Grover  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

Internal Address: Fourteenth Floor  
Street Address: 2040 Main Street  
City: Irvine State: CA ZIP: 92614  
Attorney's Docket No.: MASIMO.285A

7. Total fee (37 CFR 1.21(h)): \$40

(X) Enclosed  
(X) Authorized to be charged to deposit account if any additional fees are required, or to credit any overpayment

8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and patents involved: 1

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

John M. Grover  
Name of Person Signing

Signature

Date

September 27, 2002

42,610  
Registration No.

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2002 SEP 30  
4:25  
ASSIGNMENT DIV

Total number of pages including cover sheet, attachments and document: 2

Mail documents to be recorded with required cover sheet information to:

10/01/2002 6TON11 00000052 10184028

01 FC:581

40.00 OP

U.S. Patent and Trademark Office  
Attn: Assignment Division  
Crystal Gateway-4  
1213 Jefferson Davis Highway, Suite 320  
Arlington, VA 22202

Application No.: 10/184,028  
Filing Date: June 28, 2002

**PATENT**  
Client Code: MASIMO.285A  
Page 1

**ASSIGNMENT**

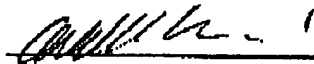
WHEREAS, I, Ammar Al-Ali, a citizen of the United States of America, residing at 10880 Phillips Street, Tustin, CA 92782, have invented certain new and useful Improvements in a LOW POWER PULSE OXIMETER for which I have filed an application for Letters Patent in the United States, U.S. Application No. 10/184,028, filed on June 28, 2002;

AND WHEREAS, Masimo Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 2852 Kelvin Avenue, Irvine, CA 92614, desires to acquire the entire right, title, and interest in and to the said Improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said Inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said Improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said Improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said Improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said Improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26<sup>th</sup> day of September, 2002



Ammar Al-Ali

STATE OF California }  
COUNTY OF Orange } ss.

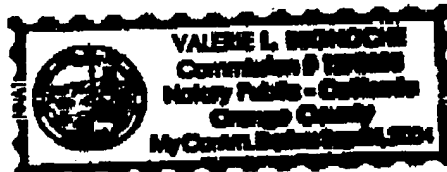
On Sept 26, 2002, before me, Valerie L. Bernoche, personally appeared Ammar Al-Ali personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Valerie L. Bernoche  
Notary Signature

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091802



MASIMO.285A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Ammar Al-Ali
App. No.	:	10/184,028
Filed	:	June 26, 2002
For	:	LOW POWER PULSE OXIMETER
Examiner	:	Unknown

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCAION AND POWER OF ATTORNEY**

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the Inventor to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S.

App. No. : 10/184,032  
Filed : June 26, 2002

Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the Inventor and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Masimo Corporation

Dated: 9/26/02

By: Mass. [Signature]

Massi E. Kiani

~~Chairman~~

Title: ~~President~~ and CEO

Address: 2852 Kelvin Avenue  
Irvine, CA 92614

H:\DOCS\UMG\UMG-3774.DOC  
092802

## Not for Recordation

Application No.: 10/184,028  
Filing Date: June 28, 2002

**PATENT**  
Client Code: MASIMO.285A  
Page 1

## ASSIGNMENT

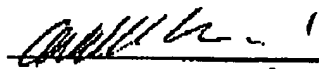
WHEREAS, I, Ammar Al-Ali, a citizen of the United States of America, residing at 10880 Phillips Street, Tustin, CA 92782, have invented certain new and useful improvements in a LOW POWER PULSE OXIMETER for which I have filed an application for Letters Patent in the United States, U.S. Application No. 10/184,028, filed on June 28, 2002;

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NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26<sup>th</sup> day of September, 2002

  
Ammar Al-Ali

STATE OF California }  
COUNTY OF Orange } ss.

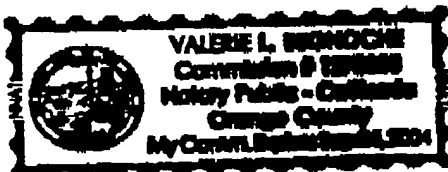
On Sept 26, 2002, before me, Valerie L. Bennoch, personally appeared Ammar Al-Ali personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Notary Signature

H:\DOCS\JMG\JMG-3729.DOC  
091802



Not for Recordation